

# **AIPLA**

## **Report of the Economic Survey**

### **2003**

**PREPARED UNDER DIRECTION OF  
LAW PRACTICE MANAGEMENT COMMITTEE**

**American Intellectual Property Law Association**

2001 Jefferson Davis Highway, Suite 203

Arlington, Virginia 22202

[www.aipla.org](http://www.aipla.org)

**Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia-Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis-St. Paul	Other Central	Texas	California	Other West
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A PATENT INFRINGEMENT SUIT														
More than \$25 million at risk														
End of discovery														
Number Reporting	253	10	17	14	33	16	9	7	23	9	34	19	42	19
% of total		4%	7%	6%	13%	6%	4%	3%	9%	4%	13%	8%	17%	8%
75th percentile (\$000's)		\$3,000	\$3,000	\$4,000	\$5,000	\$3,000	\$3,000	\$2,000	\$3,500	\$2,000	\$3,000	\$6,000	\$4,000	\$2,000
Median (\$000's)	\$4,000	\$2,500	\$2,000	\$4,000	\$3,000	\$1,000	\$2,000	\$1,000	\$2,500	\$1,500	\$1,350	\$4,000	\$3,000	\$1,500
25th percentile (\$000's)	\$2,500	\$1,500	\$1,000	\$2,500	\$2,000	\$500	\$1,000	\$500	\$1,500	\$1,000	\$750	\$2,000	\$2,000	\$1,000
	\$1,000													
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT														
Less than \$1 million at risk														
End of discovery														
Number Reporting	258	11	17	15	34	17	9	7	23	9	33	21	42	19
% of total		4%	7%	6%	13%	7%	3%	3%	9%	3%	13%	8%	16%	7%
75th percentile (\$000's)		\$5,494	\$5,009	\$5,007	\$7,990	\$4,010	\$5,006	\$7,994	\$5,494	\$3,506	\$6,506	\$7,997	\$6,006	\$3,508
Median (\$000's)	\$5,996	\$4,500	\$3,750	\$4,995	\$5,000	\$3,000	\$3,500	\$1,300	\$3,506	\$2,500	\$2,250	\$5,009	\$4,997	\$3,010
25th percentile (\$000's)	\$3,995	\$2,506	\$2,244	\$2,506	\$3,010	\$1,991	\$2,494	\$806	\$2,306	\$1,994	\$1,495	\$4,003	\$3,508	\$2,206
	\$2,306													
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT														
Less than \$1 million at risk														
End of discovery														
Number Reporting	170	5	10	3	17	13	3	8	19	5	35	15	16	20
% of total		3%	6%	2%	10%	8%	2%	5%	11%	3%	21%	9%	9%	12%
75th percentile (\$000's)		\$251	\$251		\$301	\$201		\$138	\$250	\$251	\$151	\$251	\$375	\$175
Median (\$000's)	\$248	\$200	\$200	\$250	\$152	\$101	\$120	\$88	\$199	\$201	\$100	\$200	\$200	\$149
25th percentile (\$000's)	\$150	\$99	\$90		\$148	\$49		\$51	\$102	\$198	\$59	\$149	\$100	\$99
	\$98													
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT														
Less than \$1 million at risk														
End of discovery														
Number Reporting	166	5	9	3	18	13	3	8	17	5	35	15	14	20
% of total		3%	5%	2%	11%	8%	2%	5%	10%	3%	21%	9%	8%	12%
75th percentile (\$000's)		\$801	\$451		\$500	\$302		\$205	\$451	\$451	\$274	\$401	\$751	\$349
Median (\$000's)	\$401	\$298	\$350	\$750	\$401	\$298	\$200	\$138	\$302	\$350	\$225	\$302	\$450	\$251
25th percentile (\$000's)	\$298	\$159	\$174		\$226	\$119		\$78	\$269	\$299	\$102	\$298	\$300	\$201
	\$198													

Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)

	Total Survey	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK												
		Boston Area	NYC Area	Philadelphia- Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis- St. Paul	Other Central	Texas	California	Other West
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK INFRINGEMENT SUIT \$1-\$25 million at risk														
End of discovery														
Number Reporting	142	5	8	3	14	9	3	8	14	5	30	13	15	14
% of total		4%	6%	2%	10%	6%	2%	6%	10%	4%	21%	9%	11%	10%
75th percentile (\$000's)	\$501	\$402	\$501		\$999	\$401		\$250	\$502	\$451	\$399	\$901	\$751	\$401
Median (\$000's)	\$365	\$399	\$425	\$350	\$550	\$151	\$300	\$150	\$401	\$400	\$225	\$450	\$502	\$300
25th percentile (\$000's)	\$199	\$251	\$225		\$251	\$124		\$100	\$250	\$251	\$99	\$398	\$401	\$199
Inclusive, all costs														
Number Reporting	144	5	9	3	14	10	3	8	15	5	30	13	14	14
% of total		3%	6%	2%	10%	7%	2%	6%	10%	3%	21%	9%	10%	10%
75th percentile (\$000's)	\$999	\$801	\$999		\$1,998	\$749		\$325	\$1,001	\$801	\$700	\$1,301	\$1,750	\$601
Median (\$000's)	\$602	\$600	\$750	\$1,400	\$950	\$500	\$500	\$225	\$751	\$750	\$450	\$800	\$1,000	\$501
25th percentile (\$000's)	\$398	\$399	\$499		\$700	\$250		\$145	\$500	\$401	\$250	\$649	\$702	\$399
More than \$25 million at risk														
End of discovery														
Number Reporting	107	3	4	2	11	8	2	4	13	5	18	11	15	10
% of total		3%	4%	2%	10%	7%	2%	4%	12%	5%	17%	10%	14%	9%
75th percentile (\$000's)	\$1,002	\$598	\$300		\$1,999	\$750		\$252	\$1,004	\$803	\$603	\$1,999	\$1,503	\$503
Median (\$000's)	\$599				\$1,250	\$275			\$800	\$500	\$400	\$800	\$1,001	\$450
25th percentile (\$000's)	\$305				\$749	\$148			\$501	\$351	\$150	\$603	\$503	\$250
Inclusive, all costs														
Number Reporting	107	3	4	2	11	9	2	4	13	5	18	11	14	10
% of total		3%	4%	2%	10%	8%	2%	4%	12%	5%	17%	10%	13%	9%
75th percentile (\$000's)	\$1,989				\$3,990	\$1,006		\$450	\$2,997	\$1,306	\$1,006	\$3,003	\$2,992	\$1,000
Median (\$000's)	\$1,006	\$1,000	\$650		\$1,600	\$600			\$1,400	\$1,000	\$683	\$2,000	\$1,875	\$675
25th percentile (\$000's)	\$606				\$1,009	\$491			\$944	\$503	\$400	\$856	\$1,244	\$500

Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)

	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK													
	Total Survey	Boston Area	NYC Area	Philadelphia- Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis- St. Paul	Other Central	Texas	California	Other West
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A TRADEMARK OPPOSITION/CANCELLATION														
End of discovery														
Number Reporting	153	5	9	2	14	15	5	9	12	2	29	12	19	20
% of total		3%	6%	1%	9%	10%	3%	6%	8%	1%	19%	8%	12%	13%
75th percentile (\$000's)	\$75	\$70	\$50		\$90	\$50	\$250	\$40	\$60		\$50	\$150	\$100	\$75
Median (\$000's)	\$50	\$50	\$45		\$60	\$25	\$100	\$15	\$45		\$35	\$65	\$75	\$25
25th percentile (\$000's)	\$20	\$25	\$20		\$25	\$5	\$30	\$7	\$23		\$20	\$38	\$30	\$20
Inclusive, all costs														
Number Reporting	154	5	8	2	15	16	5	9	13	2	27	12	18	21
% of total		3%	5%	1%	10%	10%	3%	6%	8%	1%	18%	8%	12%	14%
75th percentile (\$000's)	\$150	\$150	\$100		\$200	\$100	\$400	\$70	\$100		\$100	\$300	\$200	\$100
Median (\$000's)	\$78	\$100	\$63		\$90	\$58	\$200	\$20	\$100		\$75	\$125	\$150	\$45
25th percentile (\$000's)	\$34	\$40	\$38		\$25	\$18	\$55	\$15	\$50		\$35	\$58	\$95	\$35
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A COPYRIGHT INFRINGEMENT SUIT														
Less than \$1 million at risk														
End of discovery														
Number Reporting	100	2	7	2	9	3	3	8	9	2	22	6	14	12
% of total		2%	7%	2%	9%	3%	3%	8%	9%	2%	22%	6%	14%	12%
75th percentile (\$000's)	\$199		\$248		\$399			\$63	\$152		\$149	\$200	\$298	\$145
Median (\$000's)	\$101		\$50		\$250	\$40	\$150	\$51	\$102		\$99	\$75	\$175	\$85
25th percentile (\$000's)	\$51		\$39		\$148			\$49	\$98		\$51	\$49	\$125	\$51
Inclusive, all costs														
Number Reporting	97	2	7	2	9	3	3	8	9	2	22	6	12	11
% of total		2%	7%	2%	9%	3%	3%	8%	9%	2%	23%	6%	12%	11%
75th percentile (\$000's)	\$302		\$401		\$501			\$108	\$252		\$252	\$251	\$538	\$252
Median (\$000's)	\$249		\$101		\$498	\$100	\$251	\$80	\$202		\$248	\$225	\$350	\$248
25th percentile (\$000's)	\$101		\$77		\$249			\$75	\$198		\$124	\$90	\$250	\$126

**Table 22. Estimated Costs of Litigation, by Location of Primary Place of Work (continued)**

	Total Survey	LOCATION OF RESPONDENT'S PRIMARY PLACE OF WORK												
		Boston Area	NYC Area	Philadelphia- Wilmington	Washington DC Area	Other East	Metro Southeast	Other Southeast	Chicago Area	Minneapolis- St. Paul	Other Central	Texas	California	Other West
ESTIMATE OF TOTAL COST, THROUGH END OF DISCOVERY AND INCLUSIVE, IN A COPYRIGHT INFRINGEMENT SUIT														
\$1-\$25 million at risk														
End of discovery														
Number Reporting	81	1 1%	6 7%	2 2%	5 6%	2 2%	2 2%	8 10%	7 9%	2 2%	18 22%	5 6%	15 19%	7 9%
% of total														
75th percentile (\$000's)	\$500		\$399		\$601			\$138	\$374		\$349	\$701	\$999	\$251
Median (\$000's)	\$298		\$200		\$500			\$100	\$299		\$201	\$200	\$600	\$100
25th percentile (\$000's)	\$101		\$75		\$399			\$70	\$126		\$99	\$149	\$500	\$71
Inclusive, all costs														
Number Reporting	81	1 1%	6 7%	2 2%	5 6%	2 2%	2 2%	8 10%	8 10%	2 2%	18 22%	5 6%	14 17%	7 9%
% of total														
75th percentile (\$000's)	\$998		\$650		\$1,001			\$180	\$1,000		\$502	\$801	\$2,000	\$351
Median (\$000's)	\$499		\$400		\$750			\$145	\$525		\$399	\$300	\$1,375	\$300
25th percentile (\$000's)	\$200		\$150		\$699			\$95	\$300		\$200	\$199	\$999	\$199
More than \$25 million at risk														
End of discovery														
Number Reporting	65	1 2%	4 6%	1 2%	5 8%	2 3%	2 3%	5 8%	7 11%	2 3%	13 20%	5 8%	12 18%	5 8%
% of total														
75th percentile (\$000's)	\$999				\$1,002			\$249	\$999		\$551	\$1,501	\$1,750	\$502
Median (\$000's)	\$501				\$999			\$100	\$500		\$450	\$1,000	\$1,350	\$499
25th percentile (\$000's)	\$249		\$350		\$751			\$76	\$201		\$252	\$299	\$750	\$124
Inclusive, all costs														
Number Reporting	64	1 2%	4 6%	1 2%	5 8%	2 3%	2 3%	5 8%	7 11%	2 3%	13 20%	5 8%	11 17%	5 8%
% of total														
75th percentile (\$000's)	\$1,650				\$1,503			\$303	\$1,998		\$1,203	\$2,003	\$3,998	\$753
Median (\$000's)	\$950				\$1,250			\$150	\$750		\$800	\$1,700	\$2,200	\$700
25th percentile (\$000's)	\$499		\$650		\$1,001			\$128	\$403		\$503	\$898	\$1,303	\$498